

REMARKS

The present amendment is submitted in response to the Office Action issued on June 21, 2007. A three month petition for extension of time is submitted herewith. Claims 12-18 were originally pending. Claims 12-15 were rejected under 35 U.S.C. §112, second paragraph as indefinite. Claims 12-18 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Pat. No. 6,146,469 issued to Toshima (Toshima). Claims 12-18 were provisionally rejected under the non-statutory obviousness type double patenting doctrine in view of U.S. Pat. App. No. 10/957,003 (the '003 application). Claims 12, 13, 14 and 16 are hereby amended. Claim 15 is hereby cancelled without prejudice. Reexamination and reconsideration in view of the amendments and arguments submitted herein is respectfully requested.

Claims 12-15 were rejected under 35 U.S.C. §112, second paragraph as indefinite. More specifically, the Examiner stated that the recitations "supplying the solvent vapor ... on the basis of the pressure of the solvent vapor" and "researching on a pressure of the solvent" are indefinite. The claims are hereby amended to remove these recitations. Therefore, it is respectfully submitted that the §112 rejection has been overcome.

Claims 12-18 were rejected under 35 U.S.C. §102(b) as anticipated by Toshima. Of these, claims 13 and 14 depend on independent claim 12, claims 17 and 18 depend on independent claim 16 and claim 15 is cancelled. Independent claim 12 recites "supplying a processing gas into the processing container to establish an atmosphere of a positive pressure in a processing container ..." Similarly, claim 16 recites "supplying the processing gas into the processing container to pressurize an interior of the processing container ..." Thus, both claims recite that the processing gas increases the pressure of the processing container. Furthermore, both claims recite that the solvent vapor may be supplied to the processing container after the pressure of the processing container has been thus increased by the processing gas.

On the other hand, Toshima discloses that pressure in its process chamber is reduced before the vaporized liquid enters the process chamber. See, e.g., col. 4, lines 2-4 (reducing pressure

in the processing chamber) and col. 4, lines 24-26 (the vaporized liquid enters the processing chamber).

Therefore, Toshima does not anticipate independent claims 12 and 16 as it does not disclose “supplying a processing gas into the processing container to establish an atmosphere of a positive pressure in a processing container” or “supplying the processing gas into the processing container to pressurize an interior of the processing container.” Claims 13 and 14 are patentable in view of Toshima because they depend on patentable claim 12. Claims 17 and 18 are patentable, because they depend on patentable claim 16.

Claims 12-18 were provisionally rejected under the non-statutory obviousness type double patenting doctrine in view of the ‘003 application. Non-statutory obviousness type double patenting is appropriate if the claims of the present application are not patentably distinct from the claims of the reference application. The claims may be patentably indistinct if they are anticipated by or would have been rendered obvious by the claims of the reference application. See MPEP 804.II.B.1.

Applicants respectfully submit that in the present case the provisional non-statutory obviousness type double patenting rejection is overcome by the present amendments. Claims 12-14, 16-18, as amended, are patentably distinct from the claims of the ‘003 application.

As noted above, claims 12 and 16 of the rejected claims are independent. Claim 12 recites: “supplying a processing gas into the processing container to establish an atmosphere of a positive pressure in a processing container;” “determining pressure of a solvent vapor in a solvent vapor generator,” “comparing the pressure in the solvent vapor generator with pressure in the processing container supplied with the processing gas,” and “supplying the solvent vapor ... when the pressure in the solvent vapor generator is higher than the pressure in the processing container.” Similarly claim 16 recites: “supplying the processing gas into the processing container to pressurize an interior of the processing container,” “elevating a pressure of the solvent vapor before being supplied into the processing container higher than a pressure of the processing gas in the processing

container,” and “supplying the solvent vapor, whose pressure has been elevated higher than the pressure of the processing gas in the processing container, into the processing container.”

Neither of these recitations are recited or suggested by the claims of the '007 application. The '007 claims do not suggest or recite any pressure related recitations. More specifically, they do not recite or suggest establishing a pressure, pressurizing a container, determining, elevating, and comparing pressures, etc. as recited by the claims 12 and 16. Therefore, it is respectfully submitted that claims 12 and 16 are patentably distinct from the claims of the '007 application. Claims 13, 14, 17 and 18 are patentably distinct because they depend from patentably distinct claims 12 and 16.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5790 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 199372003910.

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Respectfully submitted,

By 

Hristo Vachovsky

Registration No.: 55,694

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5200